

## **REMARKS**

Claims 29-56 are pending in the above-identified application. Claims 29-56 were rejected. With this Amendment, claims 29, 36, 44, 51, and 56 are amended, claims 30, 31, 37, and 45 are canceled, and no claims are added. Accordingly, claims 29, 32-36, 38-44, and 46-56 remain at issue.

### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 29-56 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Calder et al.* (U.S. Patent No. 5,963,972, hereinafter “*Calder*”) in view of *Preiss* (“Data Flow on a Queue Machine”). Applicants respectfully traverse this rejection.

The combination of *Calder* and *Preiss* fails to teach or suggest all of the claim limitations of claim 29. For example, the references fail to teach or suggest “performing performance analysis on the data flow program in accordance with the optimization command.” The Examiner contends that this limitation is taught in *Calder* at column 7, lines 6-64. However, Applicants find no such teaching. There, *Calder* describes a method for ordering and merging compound nodes when processing an edge in an instruction cache flow graph, but says absolutely nothing of performing performance analysis on a data flow program. Nor do Applicants find such teaching in anywhere else in *Calder*, in *Preiss*, or any other cited reference. Accordingly, Applicants respectfully submit that claim 1 is patentable over the combination of *Calder* and *Preiss*. Claims 36, 44, 51, and 56 recite similar limitations and are therefore patentable for at least the same reasons as given for claim 1.

Moreover, with respect to claim 35, Applicants respectfully submit that the cited references fail to teach or suggest that “the optimization command specifies a performance comparison between selected nodes.” The Examiner contends that this limitation is taught at

column 1, lines 51-66 of *Calder*. Applicants respectfully disagree. While that passage mentions nodes, it says nothing of a performance comparison between selected nodes. If the Examiner maintains the rejection, Applicants respectfully request elaboration on this point.

For at least these reasons, *Calder* and *Preiss* fail to teach or suggest claims 29, 36, 44, 51, and 56. Claims 32, 34, 35, 38-39, 41, 46-50, and 52-55 depend directly or indirectly from claims 29, 36, 44, 51, or 56 and are therefore allowable for at least the same reasons that claims 29, 36, 44, 51, and 56 are allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

Claims 33, 40, and 43 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Calder* and *Preiss* in view of *Hamada et al.* (U.S. Patent No. 6,493,863, hereinafter “*Hamada*”). Applicants respectfully traverse this rejection.

Independent claims 29 and 36 are allowable over *Calder* and *Preiss* as discussed above. *Hamada* still fails to disclose or suggest “performing performance analysis on the data flow program in accordance with the optimization command.” Thus, *Calder* and *Preiss* in view of *Hamada* still fails to disclose or suggest claims 29 and 36. Claims 33, 40, and 43 depend directly or indirectly from claims 29 or 36 and are therefore allowable for at least the same reasons that claims 29 and 36 are allowable. Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

Claim 42 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Calder* in view of *Kahn et al.* (U.S. Patent No. 6,662,278, hereinafter “*Kahn*”). Applicants respectfully traverse this rejection.

Independent claim 36 is allowable over *Calder* and *Preiss* as discussed above. *Kahn* also fails to disclose or suggest “performing performance analysis on the data flow program in accordance with the optimization command.” Therefore, *Calder* and *Preiss* in view of *Kahn* still fails to disclose or suggest claim 36. Claim 42 depends directly or indirectly from claim 36 and is therefore allowable for at least the same reasons that claim 36 is allowable. Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

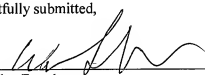
### **CONCLUSION**

In view of the foregoing, it is submitted that claims 29, 32-36, 38-44, and 46-56 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

Dated: February 14, 2007

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